

# House Study Bill 172

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to damages recoverable for the wrongful or  
2 negligent injury or death of a spouse or parent.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1737HC 83  
5 rh/rj/5

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1 1 Section 1. Section 613.15, Code 2009, is amended to read  
1 2 as follows:  
1 3 613.15 INJURY OR DEATH OF SPOUSE OR PARENT == MEASURE OF  
1 4 RECOVERY.  
1 5 1. In any action for damages because of the wrongful or  
1 6 negligent injury or death of a ~~woman spouse or parent~~, there  
1 7 shall be no disabilities or restrictions, and ~~recovery may be~~  
~~1 8 had on account thereof in the same manner as in cases of~~  
~~1 9 damage because of the wrongful or negligent injury or death of~~  
~~1 10 a man. In addition she, or her administrator for her estate,~~  
1 11 the surviving spouse or child, including an adult child, may  
1 12 recover for physician's services, nursing and hospital  
1 13 expense, and in the case of both women and men, such person,  
~~1 14 or the appropriate administrator, may recover expenses, the~~  
1 15 value of services and support as spouse or parent, or both, as  
1 16 the case may be, and the decedent's loss of enjoyment of life,  
1 17 in such sum as the jury deems proper; provided, however,  
1 18 recovery for these elements of damage may not be had by the  
1 19 spouse and children, as such, child of any person who, or  
1 20 whose administrator, is entitled to recover same.  
1 21 2. For purposes of this section:  
1 22 a. "Loss of enjoyment of life" includes but is not limited  
~~1 23 to the value of life itself and is measured separate from the~~  
~~1 24 economic productive value the decedent would have had.~~  
1 25 b. "Services and support" includes but is not limited to  
~~1 26 the expense and actual loss of financial support and~~  
~~1 27 companionship including the loss of counsel, guidance, advice,~~  
~~1 28 assistance, and protection.~~

## EXPLANATION

1 29 This bill relates to damages recoverable for the wrongful  
1 30 or negligent injury or death of a spouse or parent.  
1 31 The bill provides that in any action for damages because of  
1 32 the wrongful or negligent injury or death of a spouse or  
1 33 parent, the surviving spouse or child, including an adult  
1 34 child, may recover damages for the value of physician's  
2 1 services; nursing and hospital expenses; lost services and  
2 2 support, defined to include but not be limited to the expense  
2 3 and actual loss of financial support and companionship  
2 4 including the loss of counsel, guidance, advice, assistance,  
2 5 and protection; and the decedent's loss of enjoyment of life.  
2 6 "Loss of enjoyment of life" includes but is not limited to the  
2 7 value of life itself and is measured separate from the  
2 8 economic productive value the decedent would have had.  
2 9 LSB 1737HC 83  
2 10 rh/rj/5.1